

REMARKS

Status of the Application

Claims 1-5, 15, 16, 45, and 48-51 are the claims that have been examined on the merits. Claims 1-5, 15-16, 45 and 48-51 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 1-3, 15, 45, and 48-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai (U.S. Patent 5,930,037 in view Takahashi et al., U.S. Patent 4,921,330 (henceforth Takahashi). Claims 2-3 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai in view of Takahashi as applied to claim 1 above and further in view of Snaper, U.S. Patent 4,130,370. Claims 4, 5, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai in view of Takahashi as applied to claim 1 above and further in view of Eichenlaub, U.S. Patent 5,410,345.

Claim Rejections - 35 U.S.C. § 112

Claims 1-5, 15-16, 45 and 48-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Examiner alleges that the amendment to independent claims 1, 48, 49, 50 and 51, submitted May 4, 2009, contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner agrees that the specification of the instant application discloses precise alignment of the display panel and the optical unit. However, the Examiner alleges that the specification lacks any details to the positional relationship of any specific regions of the optical unit and the display AFTER expansion or contraction as claimed.

Rather, the Examiner alleges that the paragraph spanning pages 27 and 28 of the specification discusses performing alignment expansion or contraction using markers 21 and 31. Therefore, the Examiner alleges that the specification fails to specifically identify maintaining a positional relationship between the specific region of the optical unit and the pixel displaying an image for the first view point of the display panel while permitting a difference in expansion or contraction between the optical unit and the display panel.

Applicants submit that the specification for the instant application at least *implicitly* discloses that “a positional relationship between the specific region of the optical unit and the pixel displaying an image for the first view point of the display device is maintained while permitting a difference in expansion or contraction,” as recited in the independent claims. Specifically, the specification indicates that upon expansion or contraction of the optical unit or display panel due to temperature change, the optical unit and the display panel *are bent* so as to be separated from one another. See page 22, lines 15-19. However, page 27, lines 6-24 indicates that the distance between the marker 21 and the marker 31 may be shortened using the arrangement shown in FIG. 6 of the instant invention. The shortened distance provides an *alignment having higher accuracy* when the optical device (lens 2) expands or contracts. This disclosure would indicate to one of ordinary skill in the art that the positional relationship between the optical device and the display device is maintained while permitting a difference in expansion or contraction, as recited in the independent claims.

Withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 15, 45, and 48-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai (U.S. Patent 5,930,037 in view Takahashi et al., U.S. Patent 4,921,330 (henceforth Takahashi)).

The Examiner has applied the same combination of references in rejecting the independent claims in the instant Office Action as were applied in the previous Office Action dated February 2, 2009. Thus, the following comments will be based on the Examiner's Response to Arguments found on page 7 of the instant Office Action.

In response to the argument that Takahashi fails to disclose that a positional relationship between the specific region of the optical unit and the at least one pixel displaying an image for the first view point of the display panel is maintained while permitting a difference in expansion or contraction between the optical unit and the display unit, the Examiner argues that Takahashi discloses using double sided tape as an adhesive, similar to the instant invention, to affix the optical unit to the display unit. Therefore, the Examiner alleges, the positional relationship for a specific region would be maintained, in Takahashi, in a similar manner to the instant invention.

Takahashi indeed discloses the use of double sided tape to connect the Fresnel lens 2 and the lenticular lens 3, but as noted on page 11 of the Amendment filed May 4, 2009, the adhesive strip 7 is limited to being located along a single upper edge of *both* the lenticular lens 3 and the Fresnel lens 2. Because of the arrangement of the adhesive strip 7, the lenticular lens 3 is arranged to allow for expansion across the surface of the Fresnel lens 2, which remains fixed. See col. 6, lines 3-12 of Takahashi. Figure 1 of Takahashi clearly shows that lenticular lens 3 is smaller than Fresnel lens 2, and a gap exists between a bottom bracket 8 and the lenticular lens 3, to allow for expansion. However, any expansion will result in a specific region of the lenticular

lens 3 moving away from a specific region of the Fresnel lens 2. Thus, Takahashi cannot disclose that a positional relationship is maintained between a specific region of the lenticular lens 3 and the Fresnel lens 2 *after* the lenticular lens 3 has expanded.

On the other hand, the adhesive recited in claim 1 prevents the edges of the optical unit from moving while the expansion/contraction occurs, and thus maintains the positional relationship between a specific region of the optical unit and the pixel displaying an image, as recited in claim 1. Therefore, the adhesive disclosed in Takahashi and the adhesive recited in claim 1 are not disposed in a similar manner, as alleged by the Examiner.

Additionally, claim 1 recites that deflection of the optical unit is permitted. Therefore, according to an exemplary embodiment of claim 1, stress applied to the adhesive layer is relaxed by this deflection. On the other hand, the invention described in Takahashi is aimed at preventing the deflection by releasing the rapid expansion of the optical unit.

Therefore, because the Examiner concedes that Imai fails to disclose “a positional relationship between the specific region of the optical unit and the at least one pixel displaying an image for the first view point of the display panel is maintained while permitting a difference in expansion or contraction between the optical unit and the display unit,” and because Takahashi fails to cure the noted deficiency, the Examiner’s proposed combination of reference cannot render claim 1 obvious. Therefore, claim 1 is patentable over the applied art.

Further, to the extent that claims 48-51 recite similar features, Applicant also submits that claims 48-51 are patentable for analogous reasons.

With regard to claims 16 and 45, Applicants previously argued that “the applied references also do not describe the specific features related to orientation of the adhesive layer. Specifically, the applied references do not teach ‘said adhesive layer is provided along a side

orthogonal to the short side of said optical unit.’ Further, the applied references actually teach away applying the adhesive layer to multiple edges to avoid undulation of the screen. *See* Takahashi, Col 2, line 61-Col. 3, line 8.” See page 12 of the Amendment dated May 4, 2009. The Examiner has not replied to this argument with particularity. MPEP §707.07(f) requires that “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant’s argument and answer the substance of it.” Because the Examiner has not provided any substantive response to the arguments with regard to claims 16 and 45, the subject matter of claims 16 and 45 are patentable at least by virtue of the arguments presented in the Amendment filed May 4, 2009.

Claims 2-3 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai in view of Takahashi as applied to claim 1 above and further in view of Snaper, U.S. Patent 4,130,370.

Claims 4, 5, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai in view of Takahashi as applied to claim 1 above and further in view of Eichenlaub, U.S. Patent 5,410,345.

Claims 2-5, 15, and 16 depend from claim 1, which has been shown above to be patentable over the applied references. Snapper and Eichenlaub do not cure the deficiencies of the other applied references. Therefore, Applicant respectfully submits that these claims are patentable at least by virtue of their dependency.

For all the above discussed reasons, the Applicant respectfully requests that the rejection of these claims be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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